

Decision 02-12-047 December 17, 2002

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Accutel of Texas, Inc. for a
Certificate of Public Convenience and Necessity
to Offer Local Exchange, Access and
Interexchange Services.

Application 99-10-020
(Filed October 15, 1999)

**OPINION GRANTING MOTION TO HAVE
INFORMATION REMAIN UNDER SEAL**

I. Summary

By Decision (D.) 00-12-045, Accutel of Texas, Inc. (Applicant) was granted a certificate of public convenience and necessity (CPCN) to provide resold local exchange and interexchange telecommunications services. In addition, Applicant's financial information and estimated customer base for its first and fifth years, filed with the application, were kept under seal for two years. By this decision, we grant Applicant's motion to have this information remain under seal for an additional three years.

II. Discussion

On October 16, 2002, Applicant filed a motion the have the financial information and estimated customer base for its first and fifth years, filed with the application, remain under seal. Applicant contends that it is not a publicly traded company, and the information is not otherwise available to the public. It also says that disclosure of the information could be competitively damaging. Since the information includes Applicant's estimated customer base for its fifth year of operations, release of the information could reveal its intentions for

future operations. Therefore, the information is proprietary and sensitive, and its release could place Applicant at an unfair business disadvantage. In addition, the original application was unopposed. Therefore, there is no reason to believe that anyone would be harmed by granting the motion. As a result, we will keep the information under seal for an additional three years. At that point, five years after receipt of its CPCN, the information should have no value to its competitors.

III. Comments on Draft Decision

This is an uncontested matter, in which the decision grants the relief requested. Accordingly, pursuant to Pub. Util. Code Section 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

IV. Assignment of Proceeding

Carl Wood is the Assigned Commissioner and Jeffrey O'Donnell is the assigned Administrative Law Judge in this proceeding.

Findings of Fact

1. By D.00-12-045, Applicant was granted a CPCN to resell local exchange and interexchange telecommunications services. In addition, Applicant's financial information and estimated customer base for its first and fifth years, filed with the application, were kept under seal for two years.
2. On October 16, 2002, Applicant filed a motion to have the financial information and estimated customer base for its first and fifth years, filed with the application, remain under seal.
3. Applicant is not a publicly traded company, and the information is not otherwise available to the public.

4. Since the information includes Applicant's estimated customer base for its fifth year of operations, release of the information could reveal Applicant's intentions for future operations.

5. Public disclosure of the information kept under seal could place Applicant at an unfair business disadvantage.

6. No protests were filed in this proceeding.

Conclusions of Law

1. No one would be harmed by keeping the information under seal for an additional three years.

2. Applicant's motion to keep its information under seal should be granted for an additional three years.

3. Because release of the information filed under seal could place Applicant at an unfair business disadvantage, the following order should be effective immediately.

O R D E R

IT IS ORDERED that:

1. Applicant's motion to have the financial information and estimated customer base for its first and fifth years, filed with this application, kept under seal is granted for five years from the effective date of Decision 00-12-045. During that period the information shall not be made accessible or disclosed to anyone other than the Commission staff except on the further order or ruling of the Commission, the Assigned Commissioner, the assigned Administrative Law Judge (ALJ), or the ALJ then designated as Law and Motion Judge.

2. If Applicant believes that further protection of the information kept under seal is needed, it may file a motion stating the justification for further

withholding of the information from public inspection, or for such other relief as the Commission rules may then provide. This motion shall be filed no later than one month before the expiration date.

This order is effective today.

Dated December 17, 2002, at San Francisco, California.

LORETTA M. LYNCH
President
HENRY M. DUQUE
CARL W. WOOD
GEOFFREY F. BROWN
MICHAEL R. PEEVEY
Commissioners